

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

KATHERINE RIOS,

Plaintiff,

v.

PILOT TRAVEL CENTERS LLC,

Defendant.

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CIVIL ACTION NO. 5:19-CV-1266

DEFENDANT’S NOTICE OF REMOVAL

COMES NOW, Pilot Travel Centers LLC (“Pilot”), Defendant in the above-styled and numbered cause, and files this Notice of Removal of this action to the United States District Court for the Western District of Texas, San Antonio Division, and would respectfully show the Court as follows:

I.

PLAINTIFF’S CLAIMS AND PROCEDURAL HISTORY

Plaintiff filed her Original Petition on or about September 27, 2019, in the 45th Judicial District Court of Bexar County, Texas. Plaintiff’s Original Petition is styled *Katherine Rios v. Pilot Travel Centers LLC*, Cause No. 2019CI20501. Plaintiff, who is a former employee of Defendant, alleges a claim of wrongful termination and interference with her rights in violation of the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2611(4)(A), a federal statute.¹

Pilot was served with process on October 11, 2019. Pilot timely filed its answer with the state court on October 23, 2019.

¹ See Plaintiff’s Original Petition, included as part of **Exhibit A** to this pleading, at pp. 2-4.

This Court has original jurisdiction over Plaintiff's federal claims. 28 U.S.C. § 1331. This civil action is properly removed to this district because the state court where the action has been pending is located within this district and division. 28 U.S.C. § 1441(a).

This Notice of Removal is accompanied by: (1) all executed process in the case; (2) all pleadings and answers in the case; and (3) the state court's docket sheet, collectively attached hereto as **Exhibit "A."** No orders have been signed by the state court in this matter.

II.

THIS CASE IS REMOVABLE BECAUSE THIS COURT HAS ORIGINAL JURISDICTION

The United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, which provides that "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Plaintiff asserts federal causes of action, which provides the bases for Defendant's removal. Specifically, Plaintiff claims an alleged violation of 29 U.S.C. § 2601, et seq., the Family and Medical Leave Act (FMLA).² Thus, this case is properly removable under 28 U.S.C. § 1441(a).

III.

THIS NOTICE OF REMOVAL IS TIMELY

Pilot has timely filed this Notice of Removal within 30 days of its receipt through service of process of a copy of the initial pleading establishing that this case is removable to this Court. 28 U.S.C. § 1446(b). Notice of this removal is being filed in the state court where the action is currently pending, and this Notice of Removal is also being served on Plaintiff through her

² See Exhibit A, Plaintiff's Original Petition, pp. 2-4.

counsel, pursuant to 28 U.S.C. § 1446(d). A copy of Defendant's Notice of Removal filed in the state court is attached hereto as **Exhibit "B."**

WHEREFORE, PREMISES CONSIDERED, Defendant Pilot Travel Centers LLC hereby removes this matter from the 45th Judicial District Court of Bexar County, Texas to this Honorable Court.

Respectfully submitted,

/s/ Tiffany Cox Stacy

Tiffany Cox Stacy

State Bar No. 24050734

tiffany.cox@ogletree.com

Kelly E. Preston

State Bar No. 24092912

kelly.preston@ogletree.com

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

112 East Pecan Street, Suite 2700

San Antonio, Texas 78205

210.354.1300

210.277.2702 (Fax)

ATTORNEYS FOR DEFENDANT
PILOT TRAVEL CENTERS LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October, 2019 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Michael V. Galo, Jr.
Galo Law Firm, P.C.
4230 Gardendale, Bldg. 401
San Antonio, Texas 78229

/s/ Tiffany Cox Stacy
Tiffany Cox Stacy

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